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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/320,200	06/24/1999	GLENN R. ENGEL	10971977-1	4283
22878	7590	05/16/2006	EXAMINER	
AGILENT TECHNOLOGIES, INC.			PHAM, BRENDA H	
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.			ART UNIT	
P.O. BOX 7599			PAPER NUMBER	
M/S DL429			2616	
LOVELAND, CO 80537-0599			DATE MAILED: 05/16/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/320,200

Applicant(s)

ENGEL ET AL.

Examiner

Brenda Pham

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 5 and 6 is/are allowed.
- 6) ☒ Claim(s) 3, 4, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Petition for withdrawn the Restriction Requirement raised in the Office Action mailed November 1, 2005 has been approved and treat as a request for reconsideration. The application has been reconsidered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3-4 and 7-8 are rejected under 35 USC 102(b) as being anticipated by Kunimasa et al (US 4,507,782).

Regarding claims 7-8, Kunimasa et al discloses in a data transmission system for transporting data packets created according to a defined data protocol for processing data, a method for detecting a special data packet, comprising the steps of: identifying a predefined subset of data within a trial data packet; generating a code sequence as a function of the subset by utilizing a suitable algorithm; comparing the generated code sequence with a predetermined sequence; and identifying the trial data packet as a special data packet when the comparing step results in a match; wherein the predetermined sequence is composed of identical symbols.

**(“Referring to FIG. 4, a series of packet 50 each including data are sent from a packet mode terminal 1 to another packet mode terminal 11. Packets 51**

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each including data from detecting a data error are inserted in the above mentioned series of packets. When a predetermined number of packets 50 have been sent from the terminal 1, or when packets 50 to be sent out are temporarily absent, the terminal 1 sends out a packet 51 including data for detecting a data error. The packet including data for detecting a data error is equivalent, in the transmission sequence, with other packets 50 including user data...When the packet including user data is received by the terminal 11, the terminal 11 forms an error check character for checking an error in the user data, from the received user data, in accordance with a sequence which has been determined between the terminals 1 and 11. The error check character thus formed is compared with data for detecting a data error when the packet 51 including the data for detecting a data error is received by the terminal 11 (col. 3, lines 32-55)). Kunimasa et al further teach "When the receiving packet buffer 66 receives a packet which has a data identification flag indicating that the packet includes data for checking a data error, the central control unit 60 instructs a comparator 67 to compare data in the receiving packet buffer 66 with data in the receiving check buffer 64. The comparator 67 compares these two data, and reports the result of comparison to the central control unit 60. When the results of comparison are normal, the central control unit 60 requires the channel interface circuit 68 to receive data, and the circuit 68 receives data from the receiving data buffer 62. When the results of comparison indicate that the two data disagree with each other, the central control unit 60 discards the above data (col. 5, lines 8-27).

***Allowable Subject Matter***

4. Claims 1-2 and 5-6 are allowed over prior art.

The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record does not teach or fairly suggests in combination a method for tagging a special data packet, comprising the steps of: examining the special data packet, without the error detection code; determining, from the examining step, additional data to be included with the special data packet in order to cause the error detection process to compute a predetermined sequence of error detection code; and modifying the special data packet by including the additional data determined by the determining step.

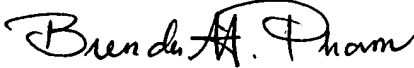
***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matar Ahmad, can be reached on (571) 272-7488.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

May 11, 2006  
Brenda Pham

  
**BRENDA PHAM**  
**PRIMARY EXAMINER**